

2026:PHHC:064490



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

213

CRM-M-10888-2026
Date of decision: 28.04.2026

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... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present : Ms. Amandeep Kaur, Advocate
for the petitioner.

Mr. M.S. Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.189 dated 11.07.2025, under Sections 21 of the NDPS Act, 1985 (Sections 29 and 15 of the NDPS Act, 1985 added later on) registered at Police Station ANTF, Sector-79, Sohana, District S.A.S. Nagar, Mohali.

2. Learned counsel contends that the petitioner has been in custody for more than 09 months. His name of the petitioner surfaced based on the disclosure statement of co-accused Gurdeep Singh @ Pappu, who has since been granted bail vide order dated 19.01.2026 (Annexure P-3). However, pursuant to the disclosure statement by the petitioner himself, the alleged recovery of non-commercial quantity of contraband, it being 30 grams of ICE (methamphetamine) was effected from him. No independent witness was joined

at the time of recovery. The mandatory provisions of Section 50 of NDPS Act were not fully complied with. Challan in the present case was presented on 05.01.2026. Charges are yet to be framed and there are a total 28 prosecution witnesses in all. The petitioner is not involved in any other case.

3. Learned State Counsel opposes the bail on the ground that non-commercial quantity of the contraband has been recovered from the petitioner pursuant to his own disclosure statement and as such, he has actively participated in the alleged offence. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 09 months and 14 days; not involved in any other case; co-accused is on bail; challan stands presented on 05.01.2026; charges having not been framed and in all there are 29 prosecution witnesses; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds/surety to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made hereinabove are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

28.04.2026
Rajender

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No